

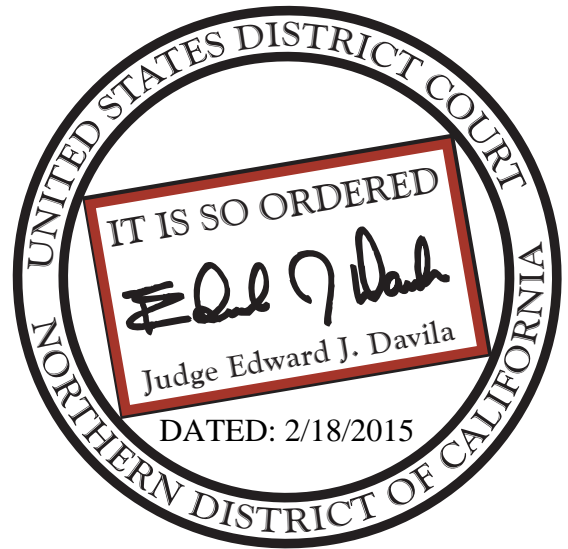
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(Additional Counsel Listed in Signature Block)



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PAUL ORSHAN and CHRISTOPHER
ENDARA, individually, and on behalf of
all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 5:14-CV-05659-EJD

**JOINT STIPULATION UNDER CIVIL
L.R. 6-1(a) EXTENDING DEFENDANT'S
TIME TO RESPOND TO COMPLAINT**

Complaint Filed: December 30, 2014
Trial Date: None set

1 Pursuant to Civil Local Rule 6-1(a), the parties hereby agree and stipulate as follows:

2 WHEREAS, Plaintiffs Paul Orshan and Christopher Endara (“Plaintiffs”) filed their
3 Complaint in the above-entitled action on December 30, 2014;

4 WHEREAS, Plaintiffs served the summons and Complaint on Defendant Apple Inc.
5 (“Defendant”) on January 2, 2015;

6
7 WHEREAS, pursuant to a previous stipulation between the parties filed on January 21,
8 2015 (Dkt. No. 6), Defendant’s response is currently due on or before February 23, 2015;

9 WHEREAS, after the parties filed their previous stipulation extending Defendant’s time to
10 respond to the Complaint, another action was filed in this district—*Neocleous v. Apple Inc.*, Case
11 No. 5:15-CV-EJD (filed February 3, 2015)—involving substantially similar claims as this case;

12 WHEREAS, a third action—*Jacobson v. Apple Inc. et al.*, C.D. Cal. Case No. 2:15-CV-
13 01099—involving substantially similar claims as in this case and *Neocleous* was filed in Los
14 Angeles County Superior Court on February 10, 2015 and removed to the Central District of
15 California on February 13, 2015;

16
17 WHEREAS, all three actions—*Orshan*, *Neocleous*, and *Jacobson*—are putative class
18 actions in which the plaintiffs (1) claim that Defendant misrepresented or omitted information
19 about the storage capacity required for Apple’s iOS 8 operating system software, (2) seek
20 certification of nearly identical classes or subclasses of purchasers, and (3) seek similar remedies
21 under similar legal theories;

22
23 WHEREAS, counsel for the Plaintiffs in this case have informed Defendant’s counsel that
24 additional, similar actions may be filed in the next few weeks;

25 WHEREAS, Defendant intends to move to transfer the *Jacobson* case from the Central
26 District of California to this district;

27
28 WHEREAS, Defendant intends to file motions to dismiss the complaints in all three

1 actions—*Orshan*, *Neocleous*, and *Jacobson*;

2 WHEREAS, the parties in the two cases currently pending in this district—*Orshan* and
3 *Neocleous*—agree that the interests of judicial economy and efficiency are best served by
4 extending Defendant’s time to respond to the Complaint in the above-captioned case so that the
5 parties can finalize a single briefing and hearing schedule on the motions to dismiss in those two
6 cases and in *Jacobson* (if the transfer of that case to this district is effected in time to permit a
7 joint briefing and hearing schedule in all three cases);

8
9 WHEREAS, Plaintiffs’ counsel have agreed to extend the deadline by which Defendant
10 must answer or otherwise respond to the Complaint in the above-captioned case by an additional
11 thirty (30) days;

12 WHEREAS, under this agreement, Defendant’s new deadline to answer or otherwise
13 respond to the Complaint would be March 25, 2015;

14
15 WHEREAS, this change will not alter the date of any event or any deadline already fixed
16 by Court order;

17 NOW, THEREFORE, pursuant to Rule 6-1(a) of the Local Civil Rules of the United
18 States District Court for the Northern District of California, it is hereby stipulated by and among
19 Plaintiffs and Defendant and through their counsel of record that Defendant shall have an
20 additional thirty (30) days, until March 25, 2015, in which to answer or otherwise respond to the
21 Complaint.
22

23 IT IS SO STIPULATED.
24
25
26
27
28

1 Dated: February 17, 2015

O'MELVENY & MYERS LLP
MATTHEW D. POWERS

2 By: /s/ Matthew D. Powers

3 Matthew D. Powers

4 Attorneys for Defendant
APPLE INC.

5
6 Dated: February 17, 2015

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14 Charles J. LaDuca

15 Attorneys for Plaintiffs
16 PAUL ORSHAN & CHRISTOPHER
ENDARA

ATTESTATION OF FILING

Pursuant to Local Rule 5.1(i)(3) regarding signatures, I, Matthew D. Powers, hereby attest that concurrence in the filing of this Joint Stipulation Under Civil L.R. 6-1(a) Extending Defendant's Time to Respond to Complaint has been obtained from Charles J. LaDuca with conformed signatures above.

Dated: February 17, 2015

O'MELVENY & MYERS LLP
MATTHEW D. POWERS

By: /s/ Matthew D. Powers
Matthew D. Powers

Attorneys for Defendant
APPLE INC.